

**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARIN HARRIS,
Plaintiff,

CASE NO. 13-CV-1124

-v-

HON. GORDON J. QUIST

MAGNUM HEALTH AND REHAB
OF ALBION LLC, A Foreign Limited
Liability Company,
Defendant

**AMENDED COMPLAINT and JURY
DEMAND**

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INTRODUCTION

1. This is an action for money damages brought pursuant to 29 U.S.C. 1132(c)(1)(A).
2. Plaintiff is seeking monetary civil damages for Defendant's failure to notify plan participant Plaintiff of group health benefits under the Consolidated Omnibus Budget Reconciliation Act ("COBRA") as required by the Employee Retirement Income Security Act ("ERISA").
3. Plaintiff is entitled to civil damages in the amount of one hundred ten and no/100 dollars

(\$110.00) per day for the 240 days that it took for Defendant/Employer/Plan administrator to notify Plaintiff/Participant of group health benefits under the Consolidated Omnibus Budget Reconciliation Act (“COBRA”) as required by the Employee Retirement Income Security Act (“ERISA”) Title I § 502(c)(1)(A).

AMENDED COMPLAINT

NOW COMES the Plaintiff, CARIN HARRIS (hereinafter “Plaintiff”), by and through her attorney INA R. O'BRIANT, and in support of her AMENDED COMPLAINT, hereby states as follows:

JURISDICTION AND VENUE

4. This action seeks damages pursuant to 29 U.S.C. 1132(c)(1)(A)..
5. Venue is proper in the Western District of Michigan pursuant to 28 U.S.C. 1391(b) as Plaintiff resides in the Western District and Defendant conducts substantial business and has its' resident agent in the Western District and all of the acts and omissions giving rise to this action occurred in the Western District of Michigan.

THE PARTIES

6. Plaintiff is a resident of Ingham County, Michigan.
7. Defendant is a foreign Limited Liability Company that has its' resident agent in BINGHAM FARMS, MI and is conducting business in CALHOUN COUNTY, MI.

GENERAL FACTUAL ALLEGATIONS

8. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if they were fully set forth here.
9. Plaintiff was an employee of MAGNUM HEALTH AND REHAB OF ALBION, LLC,

(hereinafter “Defendant”), as an occupational therapist. Defendant/employer is also the Plan Administrator.

10. As a benefit of her employment with Defendant, she received health insurance coverage.
11. Plaintiff resigned due to medical issues beyond her control.
12. On October 12, 2012, Plaintiff requested that she be provided the information to continue her insurance coverage pursuant to Consolidated Omnibus Budget Reconciliation Act (“COBRA”).
13. That Defendants failed to notify Plaintiff of the information pertaining to her continuation of insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (“COBRA”).
14. That Defendant was obligated to provide this information pursuant to the Employee Retirement Income Security Act (“ERISA”).
15. That Defendants failed to notify Plaintiff of the information pertaining to her continuation of insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (“COBRA”) until June 8, 2013.

COUNT I: FAILURE TO NOTIFY PLAN PARTICIPANT PLAINTIFF OF GROUP HEALTH BENEFITS UNDER THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (“COBRA”) AS REQUIRED BY THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (“ERISA”)

16. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if they were fully set forth here.
17. That Defendants failed to notify Plaintiff of the information pertaining to her continuation of insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (“COBRA”).

18. That Defendant was obligated to provide this information pursuant to the Employee Retirement Income Security Act ("ERISA"). That Defendants failed to notify Plaintiff of the information pertaining to her continuation of insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA").
19. That Plaintiff is entitled to civil damages in the amount of \$26,400.00 at the rate of \$110.00 per day, for the period of October 12, 2012 through on or about June 8, 2013, for a total of 240 days.

RELIEF REQUESTED

WHEREFORE, Plaintiff asks this Court to enter judgment against Defendant for their actions described herein and award her \$26,400.00 and any other relief the Court finds equitable and just.

November 5, 2013

/S/Ina R. O'Briant (signed electronically)
INA R. O'BRIANT (P60968)
Attorney for Plaintiff
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JURY TRIAL DEMAND

Plaintiff hereby continues to demand a jury trial in this action on all matters triable to a jury.

November 5, 2013

/S/Ina R. O'Briant (signed electronically)
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